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9 Attorneys for Plaintiff United States of America

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 and

16 COMMUNITIES FOR A BETTER  
ENVIRONMENT,

17 Intervenor-Plaintiff,

18 v.

19 PACIFIC GAS and ELECTRIC COMPANY.

20 Defendant,

21 and

22 COMMUNITIES FOR A BETTER  
ENVIRONMENT,

23 Intervenor-Plaintiff,

24 v.

25 BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT, and  
26 JACK BROADBENT, in his capacity as AIR  
POLLUTION CONTROL OFFICER OF BAY  
27 AREA AIR QUALITY MANAGEMENT  
DISTRICT.

28 Defendants.

Civil Action No. 09-4503 SI

UNOPPOSED REQUEST BY  
PLAINTIFF UNITED STATES  
TO RESCHEDULE HEARING  
AND [PROPOSED] ORDER

Due to a conflict with international travel previously scheduled by the United States's lead counsel, Plaintiff the United States respectfully requests that the Court reschedule the hearing currently calendared for December 16, 2010, to December 1, 2, or 3, 2010. [See Docket No. 93 (continuing November 10 hearing to December 16).] Alternatively, the United States requests that the hearing be rescheduled for a date during January 10 through 27, 2011, or January 31, 2011. The other parties—Pacific Gas & Electric Company (“PG&E”), Communities for a Better Environment (“CBE”), and the Bay Area Air Quality Management District and Jack Broadbent (collectively “the District”)—do not oppose this request.

The hearing's purpose is to hear the United States's Motion to Enter the Second Amended Consent Decree and the District's Motion to Dismiss. Subject to the Court's convenience, because the parties do not wish to delay resolution of the outstanding motions, they prefer the hearing to be rescheduled for December 1, 2, or 3 rather than January, if possible.

I, Bradley R. O'Brien, attest that concurrence in the filing of this Unopposed Request has been obtained from David Farabee, attorney for Defendant PG&E; Deborah N. Behles, attorney for Intervenor-Plaintiff CBE; and Alexander G. Crockett, attorney for Defendant the District.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

Date November 5, 2010

/s/ Bradley R. O'Brien  
W. BENJAMIN FISHEROW  
ANGELA MO  
BRADLEY R. O'BRIEN  
United States Department of Justice

FOR PACIFIC GAS and ELECTRIC COMPANY

Date November 5, 2010

/s/ David Farabee  
DAVID FARABEE  
Pillsbury Winthrop Shaw Pittman LLP

1 FOR COMMUNITIES FOR A BETTER ENVIRONMENT

2  
3 Date November 5, 2010

/s/ Deborah N. Behles

HELEN H. KANG

DEBORAH N. BEHLES

ADRIENNE BLOCH

Communities for a Better Environment

6 FOR THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

8 Date November 5, 2010

/s/ Alexander G. Crockett

BRIAN C. BUNGER

ALEXANDER G. CROCKETT

Bay Area Air Quality Management District

[PROPOSED] ORDER

GOOD CAUSE APPEARING,

The December 16, 2010, hearing is hereby rescheduled for January 21, 2011,  
beginning at 9:00 a.m.. The Court will hear the United States's Motion to Enter the Second  
Amended Consent Decree and the Bay Area Air Quality Management District's Motion to  
Dismiss the complaint filed by Communities for a Better Environment.

IT IS SO ORDERED.



Date \_\_\_\_\_

\_\_\_\_\_  
SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE